

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GERARD JACKSON, individually and
on behalf of all other similarly situated,

Plaintiff,

v.

LOCUST MEDICAL, LLC,

Defendant.

No. 4:22-CV-00424

(Chief Judge Brann)

CASE MANAGEMENT ORDER

NOVEMBER 30, 2022

Pursuant to the authority granted to this Court under Federal Rule of Civil Procedure 83(b), this Case Management Order shall govern all proceedings in the above-captioned case. No deadlines set by this Order, the Local Rules,¹ or the Federal Rules of Civil Procedure may be altered without this Court's approval, and this Court may modify any deadline *sua sponte*.

Joinder of Additional Parties and Amended Pleadings

1. All additional parties shall be joined by March 31, 2023.²

¹ The Local Rules are online at <http://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf>, and may also be obtained by writing the Clerk of Court, United States Courthouse and Federal Building, Suite 218, 240 West Third Street, Williamsport, Pennsylvania, 17701-6460.

² This Order is effective immediately as to all parties who have already appeared. If any parties have not yet been served with the summons and complaint, a copy of this Order shall be served on those parties simultaneously with the summons and complaint, in any manner authorized by Federal Rule of Civil Procedure 4(c). If any parties have been served with the summons and complaint but have not yet appeared, a copy of this Order shall, within three days of the date of this Order, be served on those parties in any manner authorized by Federal Rule of Civil Procedure 5(b) that is calculated to provide prompt, actual notice of this Order's contents. For

2. Amended pleadings are due March 31, 2023.

Discovery

3. Fact discovery shall be conducted expeditiously and diligently, and shall be completed by July 3, 2023. All requests for extensions of this deadline shall be made at least fourteen days before the expiration of the discovery period.
4. Plaintiff's expert reports are due December 5, 2023.
5. Defendant's expert reports are due January 5, 2024.
6. Supplemental and rebuttal expert reports are due January 19, 2024.
7. Expert discovery shall be completed by January 19, 2024.
8. If a discovery dispute arises, counsel shall electronically docket a letter apprising the Court of the dispute's general contours. Upon receipt of that letter, the Court may schedule a conference if necessary. No discovery motions may be filed without express permission of the Court.³
9. Counsel shall confer within four weeks after the completion of discovery to discuss settlement, and shall notify this Court if they would like the assistance of a United States Magistrate Judge in conducting a formal settlement conference.

parties who have not yet been served with the summons and complaint, or have not yet appeared, this Order is effective immediately upon receipt. No party, however, will be penalized for violating the terms of this Order if they have not received actual notice of this Order's contents.

³ See Federal Rule of Civil Procedure 16(b)(3)(B)(v).

Dispositive Motions

10. Dispositive motions shall be filed by September 5, 2023.
11. Briefing on dispositive motions shall comply with Local Rules 7.4, 7.5, 7.6, 7.7, 7.8, and 56.1.
12. Any defendant contemplating a dispositive motion shall confer with other defendants and shall file joint motions and briefs whenever possible.

Pretrial Matters

13. Motions to exclude expert testimony shall be filed no later than thirty days from receipt of the expert's report.
14. Motions in limine and supporting briefs shall be filed by February 2, 2024.
15. Pretrial memoranda shall be filed by February 16, 2024. No later than fourteen (14) days before this date, counsel shall hold a conference as indicated in Local Rule 16.3.
16. Proposed voir dire questions shall be filed by February 16, 2024.
17. Proposed jury instructions shall be filed by February 16, 2024.
18. A final pretrial conference will be held on February 27, 2024 (time to be determined).⁴ Counsel who will try the case shall attend this conference (unless the Court approves the substitution of another attorney who is fully familiar with the case), and all individuals with settlement authority shall

⁴ The pretrial conference will take place in Judge Brann's chambers at the United States Courthouse and Federal Building in Williamsport.

be present or available by telephone. At the conference, counsel shall set forth the elements of all claims and defenses expected to be made at trial.

Trial

19. The above-captioned case is currently placed on the April 2024 trial list. Counsel should note, however, that criminal matters take priority and may delay the beginning of the civil trial list.
20. Jury selection will begin at 9:30 am on the first day scheduled for trial, and trial will commence immediately following the jury's empanelment.⁵

Miscellaneous Matters

21. Motions to seal documents (and the document(s) sought to be sealed) must be mailed to, or filed with, the Clerk's Office in Williamsport. The Court will not accept sealed documents filed in Scranton or Harrisburg.
22. At any time, if the parties wish to utilize the Court-Annexed Mediation Program⁶ or any other form of alternative dispute resolution, counsel should electronically docket a letter expressing this interest and request a telephone conference call with the Court.
23. Counsel are advised that they may to consent to the disposition of this case by a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

⁵ Trial will take place in Courtroom No. 1, located on the fourth floor of the United States Courthouse and Federal Building in Williamsport.

⁶ See Local Rules 16.8.1-.7.

24. Inquiries about this case may be directed to Janel R. Rhinehart, my Courtroom Deputy, at 570-323-9772.

Summary of Dates and Deadlines

Joinder of additional parties: March 31, 2023
Amended pleadings: March 31, 2023
Discovery: July 3, 2023
Dispositive Motions: September 5, 2023
Plaintiff's expert reports: December 5, 2023
Defendant's expert reports: January 5, 2024
Supplemental and rebuttal expert reports: January 19, 2024
Expert discovery: January 19, 2024
Motions in limine and supporting briefs: February 2, 2024
Pretrial memoranda: February 16, 2024
Final pretrial conference: February 27, 2024
Trial: April 2024

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge